IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2168 of 2005

Between:

U. Roshan Kumar, S/o. Mr. Chandu, @ Chinna,
Chichpally, R/o. Chichpally (V), Wankidi Mandal, Adilabad District.

..... PETITIONER

AND

1 The Joint Collector (C.S.) Adilabad, Office at Adilabad, Adilabad District.
2 The Revenue Divisional Officer, Utnoor, Office at Utnoor, Adilabad District.
3 The Mandal Revenue Officer, Wankidi, Office at Wankidi, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the notification No. E/213/04, dated 4-11-2004, issued by the 2nd respondent for the appointment of the Fair Price Shop Dealer to the petitioners shop is illegal void and ultra vires in the interest of justice and equity or to pass, any other order or orders as deem fit and proper in the circumstances of the case

Counsel for the Petitioner:MR.MOHAMMED RAHAIL AHMED

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The petitioner is the dealer of a fair price shop, Chichpally village, Wankidi mandal, Adilabad district. Through his proceedings, dated 04.08.2004, the second respondent suspended the authorization of the petitioner. Aggrieved thereby, he preferred an appeal before the first respondent. The appeal is said to be pending. The petitioner states that even while the appeal is pending, the second respondent is proposing to appoint the dealer for that fair price shop, on regular basis, and seeks appropriate directions.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner availed the remedy of appeal, aggrieved by the order of suspension of his authorization. He feels aggrieved by a notification dated 04.11.2004 issued by the second respondent proposing to select the candidates for appointment of dealers for 22 fair price shops. Against the mandal Wankidi, the notification indicates three shops at Chintapally, Wankidi-II and Bambara. The petitioner states that the village Chichpally was wrongly mentioned as Chintapally and the second respondent is proposing to appoint a dealer for the fair price shop at chichpally.

As it is, this Court does not find any basis for the apprehension of the petitioner. However, it is made clear that the second respondent cannot appoint a dealer in the place of the petitioner as long as his dealership is not cancelled. Even if the order of suspension is upheld, that does not enable the second respondent to appoint any dealer in the place of the petitioner.

Therefore, the writ petition is disposed of directing that the second respondent shall not appoint any permanent dealer in the place of the petitioner as long as his authorization is not cancelled. The first respondent is directed to dispose of the appeal, pending before him, within four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

10.02.2005

ksld

To

1 The Joint Collector (C.S.) Adilabad, Office at Adilabad, Adilabad

District.
2 The Revenue Divisional Officer, Utnoor, Office at Utnoor, Adilabad

District.
3 The Mandal Revenue Officer, Wankidi, Office at Wankidi, Adilabad

District.

4 Two CCs. to the G.P. for Civil Supplies, High Court ofA.P.,

Hyderabad, (OUT).

5 Two CD copies.